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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,504	01/28/2004	Eric J. Lawson	LAW101	5519
54102	7590	11/16/2005		
JAMES T. ROBINSON 222 E. MAIN STREET NORMAN, OK 73069			EXAMINER HOTALING, JOHN M	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 11/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,504

Applicant(s)

LAWSON ET AL.

Examiner

John M. Hotaling II

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/28/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarno US Patent 6,024,641. Sarno discloses a lottery system that uses various numbers from various sources to determine which ticket is the winning ticket over time. Column 2 discloses the reliable way of collecting winning lottery numbers including receiving requests over the internet and printing tickets if using a kiosk and the use of an identification number associated with the ticket. Column 12:23-39 discloses that a way to generate lottery numbers using the results of sporting contests or any combination thereof.

“In some preferred embodiments other published and independently verifiable closing figures for a specific day or series of days may be used. For example, numbers and/or figures used to derive the winning number may be drawn from closing figures of other stock exchanges, commodity exchanges, individual stock and/or commodity closing prices, future indexes, fund indexes, and/or combination(s), recombination(s), and/or permutation(s) thereof. In other preferred embodiments, numbers and/or characters are also derived from one or more published lottery results, score results of sporting events, weather statistics, police statistics, birth statistics, death statistics, and/or combination(s), recombination(s) and/or permutation(s) thereof. As shown, any combination of numbers and/or characters can be predefined to comprise the winning combination and is not dependent upon anything that is controlled by the game provider. “

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With respect to the claim limitations of claim 1 the subject of the game of chance can be anything as disclosed in Sarno. Lets just for arguments sake say that the subject is football and the measured performance criteria is the ending score for each game. The number of participants for the game is fixed at the number of teams playing. The number of participants $r = 1$ for the combined performance. Determining each permutation of participants will be the score for each team as well as a ticket for each team. Each game record gets a unique identifier as described above. As in all lotteries a sum is to be paid out if a entrant which has paid to have a ticket has a winning ticket. With respect to claim 2 and the paper ticket with the game record number please see above. With respect to claim 4 please see figure 3a item numbers 42, 46, and 47 and the relative part of the specification 6:30-40 which shows what information is printed on the ticket. With respect to claims 5, 7, 10 and 11 please see Column 12:23-39 where "....any combination of numbers and/or characters can be predefined to comprise the winning combination and is not dependent upon anything that is controlled by the game provider." With respect to claims 6 and 9 please see above with regards to sporting contests. With respect to claim 8 where the method is claimed to be used on a internet website using a database please see figures 1-6 and columns 1-6 which discloses game play over the internet. With respect to claims 12-15 see column 15. With respect to claim 16 see 12:57-13:3.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lagen '250 discloses a sports game of skill and chance

VonKohorn discloses wagering communication system

Liegey '565 discloses a method of conducting a fantasy sports game

Downes '965 discloses a pari-mutuel sports wagering system

Miller '816 discloses game play in conjunction with a competition

Hasday '170 discloses a free market playoff system

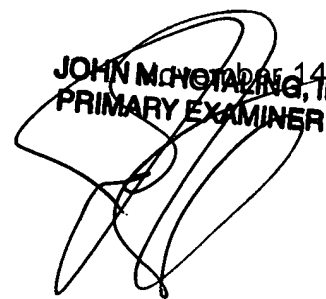
Guagliardo '728 discloses a professional wrestling fantasy contest

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN M. NOTARI, II
PRIMARY EXAMINER
OCT 14 2005